

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-12057-2020 (O&M)

Date of decision: 11.08.2020

Mandeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant second petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.42 dated 06.10.2019, registered at Police Station Nangal Bhoor, District Pathankot, under Sections 21 and 29 of the NDPS Act, 1985.

On 23.06.2020, this Court passed the following order :-

“Case is being taken up for hearing through video conferencing.

Through this second petition, the petitioner seeks anticipatory bail in case FIR No.42 dated 06.10.2019, registered at Police Station Nangal Bhoor, District Pathankot, under Sections 21 and 29 of the NDPS Act, 1985.

Learned counsel for the petitioner contends that allegation that Gurjant Singh to whom 100 gram of heroin was handed over by Harjinder Singh, brother of the petitioner, deposited the amount of Rs.1,70,000/- in the account of the petitioner, is incorrect. The petitioner was not present at the

spot, whereas Gurjant Singh and Satnam Singh @ Samu were on the motor-cycle, Satnam Singh @ Samu being a pillion rider. The recovery of 100 gram of heroin was effected from the right pocket of pant of Gurjant Singh. It is also pointed out that co-accused, namely, Gurjant Singh, Satnam Singh @ Samu and Harjinder Singh have already been enlarged on regular bail by the trial Court.

Learned State counsel argues that during investigation, account number of the petitioner was disclosed by co-accused in which an amount of Rs.1,70,000/- had been deposited. He also submits that the investigation is still going on.

Adjourned to 10.08.2020.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) Cr.P.C. ”.

Learned counsel for the petitioner submits that pursuant to the order dated 23.06.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Deepak, states that the petitioner has joined the investigation and he is not required for any further investigation. He further states that two other FIR are registered against the petitioner.

At this learned counsel for the petitioner submits that in view of the judgments rendered in **2019 (3) Law Herald 2001 'Rajwinder Singh Vs. State of Punjab'** and **CRM-M-49165-2019** titled as **'Bohar Singh Vs. State of Punjab'** decided on 22.11.2019 pendency of another FIR is not a ground for rejecting the bail of the petitioner.

I have heard the learned counsel for the parties.

In view of these facts, without commenting on the merits of the case, the present petition is allowed and the order dated 23.06.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

11.08.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No